

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DR. RAUSHAN A. KHAALIQ,	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	
	:	NO:02-CV-480
PENNSYLVANIA STATE UNIVERSITY,	:	
Defendant.	:	

GREEN, S.J.

MAY _____, 2002

MEMORANDUM/ORDER

Presently before the Court are Defendant's Motion to Transfer Venue, Plaintiff's Response, Defendant's Reply, and Plaintiff's Sur-Reply. For the following reasons, Defendant's motion will be granted.

I. FACTUAL AND PROCEDURAL BACKGROUND

Dr. Raushanah A. Khaaliq ("Plaintiff") was hired, in September of 1998, by Pennsylvania State University ("Defendant") to be the director of its College Assistance Migrant Program. During the course of her employment, she was allegedly subjected to repeated harassment over her religious beliefs, and accused of imposing her beliefs on others. Plaintiff alleges that she reported the harassment to Defendant's officials, but that the discrimination continued. In April, 2001, Plaintiff filed a charge of discrimination with the Equal Employment Opportunity Commission ("EEOC") and the Pennsylvania Human Relations Commission ("PHRC"). On May 3, 2001, Plaintiff was informed that she was being terminated, effective July 31, 2001, and that she would be placed on administrative leave effective May 24, 2001 to July 31, 2001.

¹ Since the Defendant, as the party moving for the transfer of venue, bears the burden of justifying the transfer, I have taken the operative facts at issue from Plaintiff's Complaint. e.g., Jumarav. State Farm Ins. Co., 55 F.3d 873, 879 (3d Cir. 1995).

See,

Plaintiff alleges that she was actually terminated as of June 30, 2001.

Plaintiff received a right-to-sue letter, and initiated the instant action in January, 2002, citing this Court's original jurisdiction under 28 U.S.C. § 1331, and asserting claims under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000(e) et seq. ("Title VII") and the Pennsylvania Human Relations Act, 43 Pa. Cons. Stat. §§ 954-55 ("PHRA"). The Defendant moves pursuant to 28 U.S.C. § 1404(a), seeking to have this matter transferred to the United States District Court for the Middle District of Pennsylvania.

II. DISCUSSION

"For the convenience of the parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought." 28 U.S.C. § 1404(a). The party moving for a transfer of venue bears the burden of justifying the transfer. See Jumarav. State Farm Ins. Co., 55 F.3d 873, 879 (3d Cir. 1995). The alternative venue requested by the moving party must be a proper one. See Hoffman v. Blaski, 363 U.S. 335, 344 (1960); Lifescan, Inc. v. Polymer Technology International Corp., No. CIV. A. 93-6983, 1994 WL 161375, at *2 (E.D. Pa. Apr. 28, 1994). There are a number of factors which courts consider to determine the propriety of transferring a case:

- (1) the Plaintiff's choice of forum;
- (2) the relative ease of access to sources of proof;
- (3) the availability of compulsory process for attendance of unwilling witnesses, and cost of attendance of willing witnesses;
- (4) the possibility of viewing the accident location;
- (5) all other practical problems that make trial of a case easy, expeditious and inexpensive; and,
- (6) factors of public interest, including the congestion of the dockets, choice of law considerations, and the relationship of the community in which the courts and jurors are required to serve to the occurrences at issue in the litigation.

See, e.g., Gulf Oil v. Gilbert, 330 U.S. 501, 508-09 (1947); Extraordinary Properties, Inc. v. Nationwide Mutual Insurance Co., No. CIV. A. 99-4305, 2000 WL 66157, at *2 (E.D. Pa. Jan. 24, 2000); Lifescan, 1994 WL 161375, at *2. Though a plaintiff's "choice of forum should rarely be disturbed," Gulf Oil, 330 U.S. at 508, a plaintiff's "choice receives less weight where none of the operative facts occurred in the selected forum." Extraordinary Properties, Inc., 2000 WL 66157 at *2; Lifescan, 1994 WL 161375 at *2. This deference is also reduced "where the lawsuit is initiated outside the forum in which the Plaintiff is a resident." Lifescan, Inc., 1994 WL 161375 at * 2.

Defendant requests to have the instant action transferred to the United States District Court for the Middle District of Pennsylvania. The Defendant is located in the Middle District, and a substantial part of the events at issue have occurred there. Therefore, I conclude that venue is proper in the Middle District of Pennsylvania. See 28 U.S.C. § 1391(b). I must now determine whether, in the interest of justice, this case should be transferred.

Plaintiff chose to file her action in the Eastern District of Pennsylvania, and this choice must be given deference. However, Plaintiff does not live in this district; according to her Complaint, Plaintiff is now a resident of Georgia. Furthermore, Plaintiff has not named any witness who resides in this district. Finally, Plaintiff has not alleged that any operative fact occurred in this district. Defendant argues that Plaintiff has no connection to the Eastern District of Pennsylvania, except that her attorney's office is located here.

All of the allegedly discriminatory treatment and Plaintiff's termination occurred in Centre County, Pennsylvania. Though no fact-witnesses have been definitively identified at this point in the litigation, it is reasonable to assume that most of the witnesses work and/or reside

near Centre County, Pennsylvania. University Park, Pennsylvania, where Defendant is located, where the events involving this action took place, and where most of the witnesses relevant to this action are located, is 194.1 miles from this Court. See, e.g., Yahoo! Driving Directions, at <http://maps.yahoo.com>; see, also, Federal Rule of Civil Procedure 45(b)(2) (placing a 100-mile limit on service of subpoenas, which may affect the availability of compulsory process of witnesses in this district). Finally, all or most of the documentation relevant to this litigation is located on Defendant's campus in Centre County, Pennsylvania, and access to "sources of proof" would be optimized by proximity to Centre County, Pennsylvania.

III. CONCLUSION

After weighing and considering many factors, I conclude that for the convenience of the parties and witnesses, and in the interest of justice, this case should be transferred to the United States District Court for the Middle District of Pennsylvania. An appropriate order follows.

**INTHEUNITEDSTATESDISTRICTCOURT
FORTHEEASTERNDISTRICTOFPENNSYLVANIA**

DR.RAUSHANAHA.KHAALIQ,	:	
Plaintiff,	:	CIVILACTION
	:	
v.	:	
	:	NO:02-CV-480
PENNSYLVANIASTATEUNIVERSITY,	:	
Defendant.	:	

ORDER

ANDNOW ,this _____dayofMay,2002,uponconsiderationofDefendant's
MotiontoTransferVenue,Plaintiff'sResponse,Defendant'sReply,andPlaintiff'sSur-Reply,
ITISHEREBYORDERED thatDefendant'smotionis **GRANTED**.Thecaseistobe
TRANSFERREDtothe **UNITEDSTATESDISTRICTCOURTFORTHEMIDDLE**
DISTRICTOFPENNSYLVANIA ,and **ITISSOORDERED** .

BYTHECOURT:

CLIFFORDSCOTTGREEN,S.J.